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SERVICE DATE - LATE RELEASE OCTOBER 10, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42069

DUKE ENERGY CORPORATION

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: October 10, 2003

While the Board is committed to resolving maximum rate cases as expeditiously as possible, the Board has concluded that it is unable to reach a final decision on the current record in this case, as the record is incomplete in a critical respect. In particular, the record does not allow the Board to determine the costs and revenues associated with rerouting traffic that would not be local to the stand-alone railroad hypothesized in this case. Therefore, the record will be reopened for the limited purpose of affording the parties an opportunity to present needed evidence to complete the record. At a minimum, the parties are directed to quantify the revenues and costs (including both operating costs and, if applicable, investment costs) of the stand-alone railroad attributable to the rerouting of this traffic. In order to reach a final decision with the least possible delay, each party should submit this supplemental evidence by Friday, October 24, 2003. Each party may submit a response to the other party's supplemental evidence by Friday, October 31, 2003. This limited reopening of the record will be construed by the Board as tolling the statutory time period for the issuance of a Board decision.

It is ordered:

1. The parties shall submit the supplemental evidence described above by October 24, 2003.
2. Each party may reply to the other's supplemental evidentiary submission by October 31, 2003.

3. The Board will issue its decision in this proceeding by November 6, 2003.
4. This decision is effective on its date of service.

By the Board, Chairman Nober.

Vernon A. Williams
Secretary